

Michael Fuller, OSB No. 09357
Attorney for Plaintiff
Olsen Daines PC
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com
Direct 503-201-4570

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

Lisa Butts, Case No. 6:16-cv-01986-AA

Plaintiff,

AMENDED COMPLAINT

v.

15 U.S.C. § 1692k

**Collecto, Inc. dba
EOS CCA,**

Demand for jury trial

Defendant.

May 14, 2014

Acct. # 3459289

Dear EOS CCA,

I recently sought legal advice from a debt relief attorney. I found out that I can advise you to stop calling me to attempt to collect this debt. So, I am asking you to stop calling me at all numbers you have on file. Instead, you may send me correspondence in the mail. You already have my current address and it is also listed as the return address on the envelope I am sending this notice in.

Thank you,


Lisa Butts

1.

JURISDICTION AND THE PARTIES

This Court has jurisdiction under 28 U.S.C. § 1331 because the Fair Debt Collection Practices Act (FDCPA) is a federal consumer protection law.

2.

Plaintiff Lisa Butts (Butts) is an individual consumer residing in Salem, Oregon.

3.

Butts is a “consumer” as that term is defined in the FDCPA because she is a natural person allegedly obligated to pay a consumer phone service debt to AT&T.

4.

Defendant Collecto, Inc. dba EOS CCA (Collecto) is a Massachusetts corporation.

5.

Collecto is a “debt collector” as that term is defined in the FDCPA because Collecto is a licensed Oregon debt collector (license number 48428) and Collecto’s principal purpose is debt collection and Collecto uses the U.S. mail system to collect its debts and Collecto regularly attempts to collect debts owed to other companies.

6.

The alleged obligation Collecto sought to collect from Butts was a “debt” as that term is defined in the FDCPA because it arose from a consumer transaction with AT&T for personal phone service.

7.

Venue is proper under 28 U.S.C. § 1391 because Collecto made unwanted calls to Butts while she resided in Oregon and Collecto attempted to collect from Butts in Oregon.

8.

This complaint’s allegations are based on personal knowledge as to Butts’ conduct and made on information and belief as to the acts of others.

9.

FACTUAL ALLEGATIONS

In August 2012, Collecto bought a portfolio of junk debts allegedly arising from old AT&T consumer accounts for pennies on the dollar.

10.

In December 2015, the Consumer Financial Protection Bureau entered a \$1,850,000 civil penalty judgment against Collecto based on Collecto’s collection practices pertaining to its portfolio of junk AT&T debts. See *CFPB v. Collecto, Inc. d/b/a EOS CCA*, Case No. 1:15-cv-14024, Doc. # 4 (D. Mass. Dec. 8, 2015).

11.

Butts was one of thousands of consumers harassed by Collecto to pay a disputed AT&T debt she did not owe.

12.

In a letter dated May 14, 2014, Butts revoked consent to receive any future calls from Collecto.

13.

Beginning in or around May 2014 and continuing into June 2016, Collecto harassed Butts with unwanted calls that served no legitimate purpose, after Butts had revoked any prior consent to receive future calls from Collecto. See *In re Collecto, Inc.*, 999 F. Supp. 2d 1373 (J.P.M.L. 2014) (order consolidating various TCPA actions against Collecto).

14.

The phone numbers Collecto used to call Butts are consistent with the phone numbers associated with Collecto's collection letters.



RE:	CLIENT REFERENCE #	AGENCY ACCOUNT	ORIGINAL CREDITOR	
US ASSET MANAGEMENT INC	298045980503	3459289	AT&T MOBILITY	
PRINCIPAL	INTEREST	FEES/COLL COSTS	OTHER ACCOUNTS	TOTAL DUE
\$577.94	\$0.00	\$104.03	\$0.00	\$681.97
SETTLEMENT OFFER 1 PAYMENT OF \$170.49				
Our client has authorized the following resolution to your balance as noted above: IF PAID BY 09/07/15				

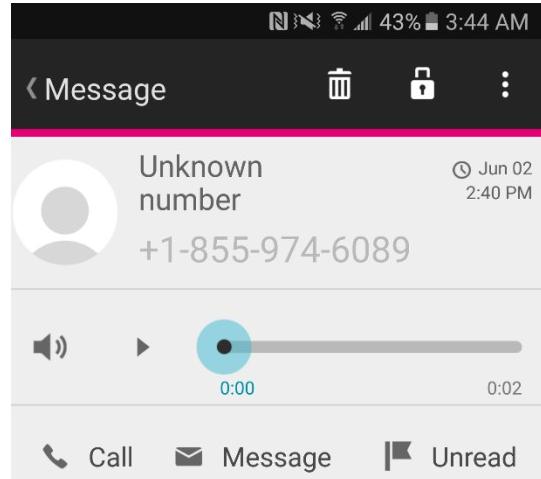
If you are mailing your payment, please be sure to check off the settlement box on the coupon below and include with your payment. Please complete the reverse side of the coupon if you wish to pay your bill with your credit card by mail.

If you are interested in taking advantage of this settlement offer or want to discuss alternatives, please contact us at 1-855-974-6090.

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

July 21st, 2010 - Word
2010
Debra
992-0465

1-877-365-9900 coscca.solvemydebt.com
When prompted, please enter your account number and security code as provided below.
Please retain this information for future payments as another reminder letter will not be issued.
Account Number: 3459289



15.

Butts even registered on the national Do Not Call list but Collecto's calls continued.

National Do Not Call Registry - Your Registration Is Confirmed

Verify@DonotCall.gov

To lisa_butts@yahoo.com

Oct 2 at 3:24 AM

Thank you for registering your phone number with the National Do Not Call Registry. You successfully registered your phone number ending in 8408 on July 23, 2015. Most telemarketers will be required to stop calling you 31 days from your registration date.

Visit <https://www.donotcall.gov> to register another number or file a complaint against someone violating the Registry.

Please do not reply to this message as it is from an unattended mailbox. Any replies to this email will not be responded to or forwarded. This service is used for outgoing emails only and cannot respond to inquiries.

16.

After Butts notified Collecto in writing that she wished to receive no further calls, Collecto continued calling her in an attempt to collect debt, causing Butts significant annoyance, stress, and anxiety consistent with collection harassment.

17.

Collecto's written communications to Butts attempted to collect debt, at least a portion of which Butts did not actually owe, including fees and charges not authorized by her agreement with AT&T nor permitted by law, and Collecto's collection communications falsely represented that Butts owed a debt, at least a portion of which she did not actually owe, undermining her ability to intelligently respond to its communications, that led her to reach incorrect understandings about what total debt amount she allegedly owed and why, and caused her significant annoyance, stress, and anxiety consistent with collection harassment.

18.

CAUSE OF ACTION

Claim One

(15 U.S.C. § 1692k)

Butts incorporates the allegations above by reference.

19.

Collecto failed to comply with the strict liability provisions of 15 U.S.C. § 1692c, d, e, and f, and Butts is entitled to actual damages sustained as a result of Collecto's failure to comply, and statutory damages, and costs, and a reasonable attorney's fee incurred prosecuting the FDCPA claim, under 15 U.S.C. § 1692k.

20.

Demand for jury trial.

21.

PRAYER FOR RELIEF

After a determination that Collecto failed to comply with the FDCPA, Butts seeks relief as follows:

A. Order and Judgment in favor of Butts against Collecto for actual damages, maximum statutory damages, costs, and a reasonable attorney's fee incurred prosecuting the FDCPA claim.

Butts also seeks any equitable relief this Court may determine is just and proper. As she learns more information, Butts reserves her right and may intend to bring claims, including class action allegations, against Collecto.

December 23, 2016

RESPECTFULLY FILED,

s/ Michael Fuller
Michael Fuller, OSB No. 09357
Attorney for Plaintiff
Olsen Daines PC
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com
Direct 503-201-4570